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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BINDER=5A

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|-----------------------------|---|-----------------------|
| In re Application of: |) | Attn: Certificate of |
| |) | Correction Branch |
| |) | |
| Yehuda BINDER |) | Examiner: G. ENG |
| |) | |
| Patent No.: 6,970,538 |) | Washington, D.C. |
| |) | |
| Issued: November 29, 2005 |) | Confirmation No. 7159 |
| |) | |
| For: NETWORKS FOR TELEPHONY |) | April 27, 2006 |
| AND DATA COMMUNICATION |) | |

REQUEST FOR RECONSIDERATION OF DECISION DATED APRIL 11, 2006

Honorable Commissioner for Patents
Customer Service Window
Randolph Building, Mail Stop Post Issue
401 Dulany Street
Alexandria, VA 22314

Certificate
MAY 02 2006
of Correction

Sir:

This is in response to a decision dated April 11, 2006, denying our request for a Certificate of Correction in view of various informalities and inconsistencies in the previous request, which are regretted.

In order to resolve this matter, submitted herewith are the following:

- A new cover letter, entitled REQUEST FOR RECONSIDERATION CERTIFICATE OF CORRECTION, which is essentially identical to the previous request for Certificate of Correction, identifying all of the errors that were identified in the previous Request:

MAY 09 2006

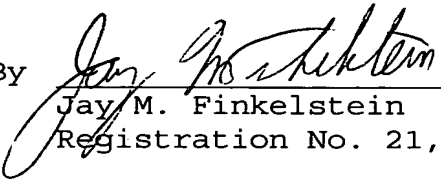
In re: Patent No. 6,970,538

- A corrected PTO 1050 Form listing all of the corrections to be made, these being only those corrections that are set forth in the cover letter; and
- An annotated copy of the cover letter to which have been added identifying numerals correlating the requested amendments to the amendments listed in the 1050 Form, this latter paper being submitted to facilitate consideration of our request.

Concerning one statement made in the decision of April 11, 2006, undersigned has reviewed the previous 1050 Form and the cover letter and determined that both of these papers identify sixteen errors to be corrected, although the original 1050 Form did not correctly identify the amendments to be made.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Jay M. Finkelstein
Registration No. 21,082

JMF:nlw/ma
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\Binder5A\pto\25apr06-requestforcon.doc

MAY 03 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BINDER5A

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| In re Patent of: |) | Conf. No.: 7159 |
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| Patent No.: 6,970,538 |) | Washington, D.C. |
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| For: NETWORKS FOR TELEPHONY |) | |
| AND DATA COMMUNICATION |) | ATTN: Certificate of |
| |) | Correction Division |

REQUEST FOR RECONSIDERATION CERTIFICATE OF CORRECTION UNDER 37
C.F.R. §1.322 and §37 C.F.R. §1.323

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Post Issue
401 Dulany Street
Alexandria, VA 22314

Sir:

In checking over the printed copy of the above-identified patent, we have found the following errors, several of which are the fault of the Patent and Trademark Office, and the rest of which are not the fault of the Patent and Trademark Office. It is respectfully requested that these errors be corrected in accordance with 37 CFR §1.323. The errors to be corrected are listed below.

The examiner's amendment that accompanied the Notice of Allowability mailed December 3, 2004, made the following amendments to the application claims:

MAY 09 2006

Claim 20

- line 2, to delete "Ethernet-based" and replace it with "digital";
- line 9, to insert "digital" before "data" (two occurrences);
- line 11, to delete "Ethernet" and replace it with "digital"; and
- line 13, to insert "digital" before "data".

Claim 27:

- line 2, to insert "digital" before "data".

Claim 28:

- line 2, to insert "digital" before "data";
- line 5, to insert "digital" before "data".

On January 25, 2005, applicant submitted an amendment under 37 C.F.R. §1.312. Such amendment was entered. While application claims 20, 27 and 28 were listed in the listing of claims in the 312 amendment as being "previously presented," lines 2 and 11 of claim 20 inadvertently re-inserted "Ethernet-based" for "digital", and claim 20, lines 9 and 13, claim 27, line 2, and claim 28, lines 2 and 5, inadvertently omitted "digital". Application claims 20, 27 and 28 are now patent claims 1, 8 and 9, respectively. It is requested that:

Claim 1, line 2 (column 12, line 16), be corrected to replace "Ethernet-based" with "digital";

Claim 1, line 11 (column 12, line 25), be corrected to insert "digital" before "data";

Claim 1, line 12 (column 12, line 26), be corrected to insert "digital" before "data";

Claim 1, line 15 (column 12, line 29), be corrected to delete "Ethernet" and replace it with "digital";

Claim 1, line 19 (column 12, line 33), be corrected to insert "digital" before "data";

Claim 8, line 2 (column 12, line 65), be corrected to insert "digital" before "data";

Claim 9, line 2 (column 13, line 9, be corrected to insert "digital" before "data";

Claim 9, line 6 (column 13, line 13), to insert "digital" before "data".

When the changes are considered, it will be clear that the errors are of a typographical or clerical error in nature, which occurred in good faith. Correction thereof **simply restores changes made by the Examiner** and does not involve such changes in the patent as would constitute "new matter" or would require re-examination.

One error that is the fault of the Patent and Trademark Office is the following:

in patent claim 1 at line 13 (column 12, line 27), the clause should read "first and second modems" and not "first and second moderns." Application claim 20 (now patent claim 1) was inserted into this application by preliminary amendment of

In re of U.S. Patent 6,970,538

April 16, 2004. Application claim 20, line 12, read "first and second modems" and this term was never amended during the prosecution of the application. This is clearly a printing error on the part of the Patent and Trademark Office.

* * * *

The following errors are also the fault of the Patent and Trademark Office in that they originated in the Examiner's amendment of December 3, 2004, but those errors did not appear in the subsequent amendment under 37 CFR §1.312 of January 25, 2005:

patent claim 3 at line 1 (column 12, line 51) is dependent from patent claim 2. Application claim 22 (now patent claim 3) was inserted into this application by preliminary amendment of April 16, 2004. Application claim 22 was dependent from application claim 20 (now patent claim 1) and this dependency was never amended during the prosecution of the application;

patent claim 9 at line 3 (column 13, line 10) reads "a plurality frequency division". Application claim 28 (now patent claim 9) was inserted into this application by preliminary amendment of April 16, 2004. Application claim 28, line 4, read "a plurality of frequency division" and this term was never amended during the prosecution of the application;

patent claim 9 at lines 10-11 (column 13, lines 17-18) reads "data unit distinct data channel". Application claim 28 (now patent claim 9) was inserted into this application by

MAY 09 2006

preliminary amendment of April 16, 2004. Application claim 28, last two lines, read "data unit to a distinct data channel" and this term was never amended during the prosecution of the application;

patent claim 10 at line 2 (column 13, line 20) reads "to a wall a building". Application claim 29 (now patent claim 10) was inserted into this application by preliminary amendment of April 16, 2004. Application claim 29, line 2, read "to a wall of a building" and this term was never amended during the prosecution of the application;

patent claim 22, last line (column 14, line 29) reads "data unit distinct data channel". Application claim 41 (now patent claim 22) was inserted into this application by preliminary amendment of April 16, 2004. Application claim 41, last two lines, read "data unit to a distinct data channel" and this term was never amended during the prosecution of the application;

patent claim 25, line 16 (column 14, line 52) reads "a repeater; bridge". Application claim 44 (now patent claim 25) was inserted into this application by preliminary amendment of April 16, 2004. Application claim 44, line 17, read "a repeater; a bridge" and this term was never amended during the prosecution of the application;

patent claim 34, line 12 (column 16, line 8) reads "wiring segments operative". Application claim 53 (now patent claim 34) was inserted into this application by preliminary

In re of U.S. Patent 6,970,538

amendment of April 16, 2004. Application claim 53, line 13, read " wiring segments is operative" and this term was never amended during the prosecution of the application.

It is therefore further requested that:

Claim 1, line 13 (column 12, line 27), be corrected to delete "moderns" and replace it with "modems";

Claim 3, line 1 (column 12, line 51), be corrected to replace "2" with "1";

Claim 9, line 3 (column 13, line 10), be corrected to insert "of" before "frequency division";

Claim 9, line 11 (column 13, line 18), be corrected to insert "to a" before "distinct";

Claim 10, line 2 (column 13, line 20), be corrected to insert "of" before "a building";

Claim 22, last line (column 14, line 29), be corrected to insert "to a" before "distinct";

Claim 25, line 16 (column 14, line 52), be corrected to insert "a" before "bridge"; and

Claim 34, line 12 (column 16, line 8), be corrected to insert "is" before "operative".

A PTO Form 2038 authorizing payment in the amount of \$100.00 to cover the appropriate fee for corrections under 37 CFR §1.323 was submitted with the original Request dated March 29, 2006, and it is understood that a further fee is not now

MAY 09 2006

In re of U.S. Patent 6,970,538

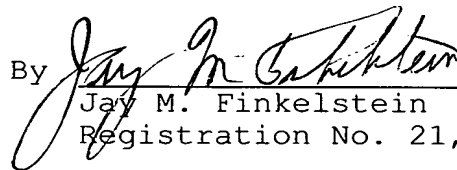
required. If insufficient fees are specifically authorized,
please charge same to Deposit Account No. 02-4035.

We are also attaching one copy of the Certificate of
Correction form.

Granting of this request is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Jay M. Finkelstein
Registration No. 21,082

JMF:rd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\Binder5A\pto\22MAR06-revised CertCor323.doc

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,970,538 B2
 DATED : November 29, 2005
 INVENTOR(S) : Yehuda Binder

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- 1) Claim 1, line 2 (column 12, line 16), delete "Ethernet-based" and insert therefor --digital--
- 2) Claim 1, line 11 (column 12, line 25), insert --digital-- before "data"
- 3) Claim 1, line 12 (column 12, line 26), insert --digital-- before "data"
- 4) Claim 1, line 13 (column 12, line 27), delete "moderns" and insert therefor --modems--
- 5) Claim 1, line 15 (column 12, line 29), delete "Ethernet" and insert therefor --digital--
- 6) Claim 1, line 19 (column 12, line 33), insert --digital-- before "data"
- 7) Claim 3, line 1, (column 12, line 51), delete "2" and insert therefore "1"
- 8) Claim 8, line 2 (column 12, line 65), insert --digital-- before "data"
- 9) Claim 9, line 2 (column 13, line 9), insert --digital-- before "data"
- 10) Claim 9, line 3 (column 13, line 10), insert --of-- before "frequency division"

MAILING ADDRESS OF SENDER:

BROWDY AND NEIMARK
 624 Ninth Street, NW
 Suite 300
 Washington, DC 20001-5303

PATENT NO. 6,970,538 B2

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 09 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,970,538 B2
 DATED : November 29, 2005
 INVENTOR(S) : Yehuda Binder

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- 11) Claim 9, line 6 (column 13, line 13), insert --digital-- before "data"
- 12) Claim 9, line 11 (column 13, line 18), insert --to a-- before "distinct"
- 13) Claim 10, line 2 (column 13, line 20), insert --of-- before "a building"
- 14) Claim 22, last line (column 14, line 29) insert --to a-- before "distinct"
- 15) Claim 25, line 16 (column 14, line 52) insert --a-- before "bridge"
- 16) Claim 34, line 12 (column 16, line 8) insert --is-- before "operative"

MAILING ADDRESS OF SENDER:

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PATENT NO. 6,970,538 B2

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MAY 09 2006



ANNOTATED COPY (UNSIGNED)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BINDER5A

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| In re Patent of: |) | Conf. No.: 7159 |
| |) | |
| Yehuda BINDER |) | |
| |) | |
| Patent No.: 6,970,538 |) | Washington, D.C. |
| |) | |
| Issued: November 29, 2005 |) | April 27, 2006 |
| |) | |
| For: NETWORKS FOR TELEPHONY |) | |
| AND DATA COMMUNICATION |) | ATTN: Certificate of |
| |) | Correction Division |

REQUEST FOR RECONSIDERATION CERTIFICATE OF CORRECTION UNDER 37
C.F.R. §1.322 and §37 C.F.R. §1.323

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Post Issue
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Alexandria, VA 22314

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patent claim 9 at lines 10-11 (column 13, lines 17-18) reads "data unit distinct data channel". Application claim 28 (now patent claim 9) was inserted into this application by

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amendment of April 16, 2004. Application claim 53, line 13, read " wiring segments is operative" and this term was never amended during the prosecution of the application.

It is therefore further requested that:

- 4) Claim 1, line 13 (column 12, line 27), be corrected to delete "moderns" and replace it with "modems";
- 7) Claim 3, line 1 (column 12, line 51), be corrected to replace "2" with "1";
- 10) Claim 9, line 3 (column 13, line 10), be corrected to insert "of" before "frequency division";
- 12) Claim 9, line 11 (column 13, line 18), be corrected to insert "to a" before "distinct";
- 13) Claim 10, line 2 (column 13, line 20), be corrected to insert "of" before "a building";
- 14) Claim 22, last line (column 14, line 29), be corrected to insert "to a" before "distinct";
- 15) Claim 25, line 16 (column 14, line 52), be corrected to insert "a" before "bridge"; and
- 16) Claim 34, line 12 (column 16, line 8), be corrected to insert "is" before "operative".

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In re of U.S. Patent 6,970,538

required. If insufficient fees are specifically authorized, please charge same to Deposit Account No. 02-4035.

We are also attaching one copy of the Certificate of Correction form.

Granting of this request is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By

Jay M. Finkelstein
Registration No. 21,082

JMF:rd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\C\cohn\Binder5A\pto\22MAR06-revised CertCor323.doc